

RULE V

WORKING CONDITIONS

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5.01—HOURS OF WORK

5.011

There is hereby established three basic workweeks as follows (a, and b may be modified by an individual union contract): (A) A 35 hour workweek (five 7 hour days) (B) A 40 hour workweek (five 8 hour days) (C) A non-standard workweek (an average of at least 35 hours per week)

5.012

It is recognized that there are now other work schedules peculiar to certain classes of positions and such exceptions shall remain in full force and effect.

5.013

Guided by the policy herein set forth, the Personnel Administrator shall make such recommendations to the Director as may be necessary to insure that each class of position(s) is assigned to a work schedule. The Director may either approve this plan as submitted or make changes therein. This plan and the established work schedule shall take effect upon order of the Director. When a new classification is approved by the Director and the Governor, the Director shall establish the work schedule for that classification. Upon recommendation of an Appointing Authority or the Personnel Administrator, the Director may transfer classes of positions or individual positions from one category to another.

5.014

(Relates to Unclassified Service) Guided by the policy herein set forth, the Personnel Administrator shall make such recommendations to the Board as may be necessary to insure that each class of positions is assigned to a work schedule. The Board may either approve this plan as submitted or make changes therein. This plan and the established work schedule shall take effect upon order of the Board. When a new classification is approved by the Board and the Governor, the Board shall establish the work schedule for that classification. Upon recommendation of an Appointing Authority or the Personnel Administrator, the Board may transfer classes of positions or individual positions from one category to another.

5.015

Employees who work at least sixteen (16) hours a week shall be entitled to accrue sick leave and annual leave on a pro-rata basis.

5.016

All employees shall be granted a meal period of not less than one-half hour duration nor more than one hour duration during each work day to be determined by the work day schedule that applies.

5.017

Employees shall be granted a fifteen (15) minute coffee break during the first half and second half of their work day.

5.018

Employees who are called in to report for emergency work after having left their place of employment and outside their regularly scheduled work hours shall receive not less than four (4) hours pay at their overtime rate.

5.02—ATTENDANCE

5.021

No employee in the classified service shall be paid unless (s)he is at work, or in accordance with the conditions outlined in the rules, is authorized to be absent therefrom. Every employee shall notify his/her Appointing Authority, whenever possible, of his/her failure to report for work and the reason for such absence. Continued failure by an employee to conform with the requirements of attendance (such as unauthorized absence or chronic tardiness) shall be reported to the Personnel Administrator and shall be made a part of the employee's service rating record and may be subject to disciplinary action by the Appointing Authority.

5.022

Each department or agency shall keep daily attendance records of classified employees and shall submit reports of attendance to the Personnel Administrator in the form and on the dates (s)he shall specify.

5.023

Such report of attendance shall not apply to employees whose positions are in the non-standard category. However, absence due to sick leave or annual leave for such employees shall be reported in accordance with subsections 5.0619 and 5.0624.

5.03—OVERTIME

5.031

It is agreed that when it becomes necessary for the efficient conduct of the business of the State, an Appointing Authority may direct or authorize overtime work. Overtime work shall be defined as the required performance of work in excess of the established workweek. Compensation for overtime work shall not be paid to employees in the non-standard category.

5.0311

Time and one-half shall be paid in each of the following instances: All work performed in excess of forty (40) hours and, in those classes of positions in which it is applicable, all work performed in excess of thirty-five (35) hours in any week.

5.04—HOLIDAYS

5.041

The following shall constitute the official holidays for state employees:

- ✕ New Year's Day (1st day, January)
- ✕ Dr. Martin Luther King Jr.'s Birthday (3rd Mon., January)
- ✕ Memorial Day (Last Monday, May)
- ✕ Independence Day, (July 4)
- ✕ Victory Day (2nd Monday, August)
- ✕ Labor Day (1st Monday, September)
- ✕ Columbus Day (2nd Monday, October)
- ✕ Election Day (State Offices)
- ✕ Veterans Day (November 11)
- ✕ Thanksgiving Day (4th Thursday, November)
- ✕ Christmas Day (December 25) [except when falls on Sunday then December 26].

Any day which the Governor shall appoint as a holiday. Any day which shall hereafter be appointed by the general assembly to be a holiday.

5.042

Every employee shall be entitled to time off with pay for the official holidays specified above, when such holidays fall on his/her regularly scheduled work day(s) and shall be credited with the number of hours in his/her official work schedule for that day.

5.043

When a holiday falls on one of an employee's regularly scheduled days off (s)he shall be credited with the number of hours for one day in his/her official work schedule. The hours so credited for this day shall not be used in the computation of overtime.

5.044

Whenever an employee is required to work on a holiday which falls on his/her regularly scheduled work day, (s)he shall be credited with the number of hours in his/her official work schedule for the day plus the number of hours actually worked. The hours actually worked shall be compensated at the rate of one and one-half times.

5.0441

When a non-standard employee is directed to work on a holiday (s)he shall be compensated for an additional seven (7) hours at his/her total hourly rate.

5.045

Whenever an employee is required to work on a holiday which falls on one of his/her scheduled days off (s)he shall be credited with the number of hours for one day in his/her official work schedule plus the number of hours actually worked. The hours actually worked shall be compensated at the rate of one and one-half times.

5.046

When a holiday falls on a regularly scheduled workday within in an employee's vacation period, the employee shall not be charged annual leave for his/her absence on that date.

5.05—SPECIAL TIME OFF

5.051

Whenever it appears desirable, in the best interest of the State and its employees to allow collective absence from duty, the Personnel Administrator may authorize Department Director(s) to excuse employees at a stated time, providing that enough employees remain on duty to maintain contact with the public and carry on crucial work. Employees who are required to work when other employees are so excused shall be paid their regular rate of pay and in addition shall be granted cash payment for this service at the rate of one and one half times for the time worked.

5.06—LEAVE REGULATIONS

5.061—Annual Leave

The Employer has the right to schedule vacations.

5.0611

(A) Department/Agency heads shall require employees to plan their vacations ahead of time. Criteria for determining priorities in scheduling includes seniority, rank in the organization, and needs of the agency. (B) Appointing Authorities shall assign vacation leave with justice and equity. (C) Absences with pay for illness; vacation; administrative; military or jury duty leaves do not affect vacation accrual. (D) Every employee shall be entitled to at least two successive weeks of vacation during each accrual year of service. Dependent on agency needs, the Appointing Authority may require employees to stagger vacations or split their leave periods. (E) Should a question arise between employees as to when vacation will be taken, managers shall attempt to resolve between the parties. (1) Absent resolution between the parties, preference will be given to authorized employee, or the party who received first approval, then to state seniority. (2) For employees covered by bargaining agreements, the procedure in the contracts shall prevail.

5.0612

Unless modified by a union contract all full-time employees whether on a standard 35 or 40 hour workweek or a non-standard workweek and part-time employees who work at least 16 hours per week or whose work schedule requires the performance of service to the state for some part of each working day of the official work schedule to which the class is assigned, shall accrue as follows for each straight time hour of service:

5.06121

Employees hired prior to December 28, 1980 shall accrue vacation leave according to the following **Schedule A:**

<u>Years of Service</u>	<u>Total Days</u>	<u>% Accrual</u>
0-10	15	.0577
10-15	18	.0693
15-20	20	.0770

20-25	26	.1000
over 25	28	.1077

5.06122

Employees hired on or after December 28, 1980 shall accrue vacation leave according to the following **Schedule B:**

<u>Years of Service</u>	<u>Total Days</u>	<u>% Accrual</u>
0-5	10	.0385
5-10	15	.0577
10-15	18	.0693
15-20	20	.0770
20-25	26	.1000
over 25	28	.1077

5.0613

On and after the adoption of these rules, vacation credits shall be discharged during the year accrued, except that:

5.06131

All employees, who accrue annual leave, shall be allowed to carry over from one calendar year to another not more than the amount of vacation time accrued and credited in one calendar year unless otherwise modified by the Personnel Administrator or union contract.

5.06132

Any frozen balance of vacation credits accredited to an employee, other than non-standard, as of December 31, 1951 shall be automatically carried forward until exhausted.

5.06133

Accrued vacation leave officially recorded to the credit of an employee who was in the non-standard category on December 31, 1955 shall be carried forward until exhausted.

5.0614—VACATION ACCRUAL

(a) The end of the calendar year shall be considered the last day of the of the last biweekly pay period in the year.

(b) **Accrual Rate Chart -**

<u>Years of Service</u>	<u>Total Potential Vacation Days</u>	<u>Up Front Days</u>	<u>Days Subject To Accrual</u>	<u>Accrual Rate</u>
0-05*	10	2	8	.0308
5-10*	15	2	13	.0500

10-15	18	4	14	.0538
15-20	20	4	16	.0615
20-25	26	9	17	.0654
Over 25	28	9	19	.0731
*These two categories of time vacation entitlement or employees hired prior to December 28, formerly merited 15 and 18 days respectively.				

5.0615

When the services of an employee shall be terminated by resignation, death, dismissal or otherwise, if such employee shall not have used actual vacation time equal to the vacation credits outstanding on his account, such employee or his/her estate shall on such termination be entitled to receive full pay for each hour of vacation leave to his/her credit as of the date of termination.

5.0616

The Appointing Authority may in any year assign to any employee sufficient vacation time, in excess of actual accrual credits, to permit the employee to receive the maximum number of days to which (s)he is entitled in the accrual year, which excess shall be deducted from subsequent earned vacation leave.

5.0617

An employee, who is transferred or otherwise changes positions in the classified service, shall have his/her sick and vacation leave credits carried over from one position to the other. An employee, who moves from the classified to the unclassified service or vice versa, shall retain all sick and vacation leave balances to his/her credit at the time of removal. An employee who moves from the classified or the unclassified service to the non-classified service or vice versa shall retain all sick and vacation leave balances to his/her credit at the time of such removal.

5.0618

Vacation leave credits shall not accrue while an employee is on leave without pay or absent without permission. Employees, who terminate from state service in good standing, shall receive vacation leave credit through the last complete day of service.

5.0619

Appointing Authorities shall report to the Personnel Administrator, on forms provided for this purpose, a record of vacation leave approved by them for employees who accrue.

5.06191

Reports of frozen vacation leave of non-standard category employees as of December 31, 1955, shall also be made. Records of the Office of Personnel Administration shall be the official state record of vacation leave accruals and discharges.

5.06192

Employees, who are entitled to discharge accrued vacation leave, may discharge in one week no more than the number of hours assigned to their class of position.

5.062—Sick Leave

5.0621

Sick leave with pay shall be granted to employees within the classified and unclassified services of the state who hold full time positions or who hold part-time positions, the work schedules of which require performance of services to the state for some part of each working day in the work schedule to which the class is assigned, or who hold part-time positions the work schedules of which require performance of services to the state of at least 16 hours per week. Failure on the part of an employee to notify his/her appointing authority promptly of his/her absence due to sickness may be cause for denial of sick leave.

5.0622

Unless modified by a particular union contract, all full-time employees whether on standard 35 or 40 hour workweek or on a non-standard workweek, and part-time employees who work at least 16 hours per week or whose work schedule requires the performance of service to the state for some part of each working day of the official work schedule to which the class is assigned, shall accrue .0577 hours for each hour of service during the biweekly pay period up to a maximum of the assigned hours in the workweek for the position in which the employee is working.

5.06221

When an employee's total accumulation of sick leave hours shall equal the equivalent of 125 days (a day meaning the number of hours in an employee's regular work day) no further credit shall accrue until the total shall have been reduced to less than this maximum.

5.0623

Sick leave is hereby defined to mean a necessary absence from duty due to illness, injury, or exposure to contagious disease and may include absence due to illness or death in the immediate family of the employee or necessary attendance upon a member of the immediate family who is ill. Sick leave with pay for the purpose of such attendance, however, is to be used only in emergency and is limited to 10 working days within any calendar year. Sick leave with pay may also be granted from accrued sick leave credits, when absence is necessary during normal pregnancy or the conditions of childbirth. The appointing authority may require a physician's certificate or other satisfactory evidence for each sick leave with pay covering an absence of more than three consecutive working days. The foregoing rule regarding the use of sick leave may be modified by a particular union contract.

5.06231

Sick leave allowable for death in the immediate family shall be restricted to the following: wife, husband, child (including foster child), mother, father, brother, sister, mother-in-law, father-in-law, grandmother, grandfather, or any other family relative residing in the employee's household.

5.0624

Appointing Authorities shall report to the Personnel Administrator, upon forms provided for this purpose, a record of sick leaves approved by them. The records of the Office of Personnel Administration shall be the official state record of sick leave accruals and

discharges. Such records shall be available to appointing authorities and may be used in reaching decisions affecting promotions, demotions, salary increases, and dismissals.

5.0625

Sick leave credits shall not accrue while an employee is on leave without pay or absent without permission. Employees, who are authorized to discharge accrued sick leave, may discharge such leave on any regularly assigned work day up to a maximum of the assigned hours in their workweek. Sick leave with pay may be granted in advance of accrual, but not in excess of 80 hours, when approved by the Appointing Authority. Sick leave with pay in an amount over 80 hours may be loaned to an employee in advance of accrual upon request of the Appointing Authority, approval of the Personnel Administrator and notice to the Controller, provided that all sick and annual leave credits have been exhausted and the employee agrees that future accruals of sick leave shall be applied against such advance until the loan is repaid. Upon termination of an employee's service, any such advance of sick leave not offset by subsequent accumulations of sick leave shall be deducted from any balance of vacation credits due him/her. In unusual instances, exceptions to or modification of this rule may be made upon written request by the Appointing Authority and approval of the Personnel Administrator. Such request shall include a full explanation of the circumstances upon which the request is based.

5.0626

When the service of an employee shall be terminated by retirement (mandatory, voluntary or involuntary), or death, such employee or his/her estate shall be entitled to receive full pay for tech hour of accrued sick leave to his/her credit as of the date of termination according to the following formula: (a) A 35 hour a week employee or a non-standard employee shall be entitled to receive full pay for 50% of all accrued sick leave over 390 hours up to and including 630 hours and full pay for 75% of all accrued hours over 630 hours up to and including 875 hours. (b) A 40 hour a week employee shall be entitled to receive full pay for 50% of all accrued sick leave over 468 hours up to and including 720 hours and full pay for 75% of all accrued hours over 720 and up to and including 1000 hours. (c) Eligible part-time employees shall be entitled to receive pay for accrued sick leave on a pro-rata basis depending upon the scheduled workweek within the basic workweek for the class of position

5.0627—Special Sick Leave

5.06271

Whenever a classified or unclassified employee shall be absent from his/her duties and receiving compensation, as provided in the Workers' Compensation laws, (s)he may be granted sick leave in accordance with the rules applicable thereto, in an amount not to exceed his/her regular compensation. Deductions from accumulated credits shall be applied only to that part of his/her salary which is paid as an addition to Workers' Compensation payments, and the total of the two shall not exceed the regular salary for a given pay period. Annual leave credits may be applied in the same manner. When such absence shall not be covered by sick leave or annual leave, it shall be deemed to be leave without pay.

5.06272

Any classified employee whose employment requires exposure to X-Rays or other unusual employment hazard may be granted special sick leave credits not to exceed 120 hours in a calendar year if (s)he is a 40 hour employee or 105 hours in a calendar year if (s)he is a 35 hour or non-standard employee. Such sick leave credits shall be available and sick leave granted upon written recommendation by the appropriate Appointing Authority to the Personnel Administrator that it has been determined by blood tests or other approved method and supported by a statement from a qualified physician that the health of the employee required such sick leave to permit recuperation from exposure to such occupational hazards.

5.0628—Nonchargeable Absences

5.06281

Bereavement Leave In the event of death in an employee's family (see Rule 5.06231) the employee shall be entitled to absence with full pay for three days. This time shall not be charged to the employee's sick leave balance.

5.06282

Personal Leave Each employee shall be entitled to four days of leave with pay for personal business and/or religious observance in every fiscal or calendar year depending on union contract. Employees shall not be required to state the reason for personal leave but they must obtain prior approval. Approval may only be denied if it interferes with the proper conduct of agency functions. Employees who do not use their personal leave or if it is denied on Good Friday, the day before Christmas Day and/or the day before New Year's Day may use this leave at some other time during the year. Personal leave shall not be carried over from one year to the next, nor shall an employee be compensated for unexpended time upon termination. Employees who are hired during the leave Year will have their personal days prorated on the basis of one day for each three months or part thereof of service during the year. Nonchargeable absences may be qualified by a union contract.

5.06283

Administrative Leave (Special Time Off) Authorization: (a) The Personnel Administrator may authorize an Appointing Authority to grant Administrative Leave with pay for necessary absence from duty not otherwise provided for under "Leaves" in statutes and rules. (b) The Director of Administration, upon direction from the Governor or recommendations of the Personnel Administrator, may authorize Administrative Leave under extenuating circumstances. Categories of Administrative Leave · Conduct of employees (refer to PR 6.02). · To take civil service examinations administered by the Office of Personnel Administration. · To be interviewed for another position within state service. · To attend professional conferences, training sessions, officially sanctioned outings or work related business provided that in the opinion of the Appointing Authority it promotes the career interest of the employee in relation to state business and that the staffing requirements are adequately maintained during said period. Further, the Appointing Authority should be guided by union contracts, the principles of affirmative action and employee wellness in making decisions regarding administrative leave. · To

take a physical examination required for appointment to State service, or physical exams related to work injury in State service. · To permit time off during extreme weather conditions or state of emergency as authorized by the Director of Administration.

5.063—Military Leave (This section may be modified by Union Contract)

5.0631

Every employee holding a position in the classified or unclassified service, who has left or shall leave said position by reason of entering the armed forces of the United States (whether through membership in the Reserve of the United States Military or Naval Forces or the Rhode Island National Guard or Naval Reserve, when any of the foregoing units are called to active federal duty, or by reason of enlistment, induction, commission or otherwise) and who has held a position in the classified service for 180 or more calendar days within the 12 months next preceding such entrance into the armed forces is entitled to and is hereby granted military leave of absence from the said position commencing with the time of leaving said position for said purpose and continuing throughout the duration of said absence required by the continuance of service in the armed forces. Such leave of absence shall be deemed to have expired six months after the date of discharge from or authorized separation from active duty as a member of the armed forces. Reenlistment or other continued service in the armed forces resulting from a choice by the employee shall serve to cancel such leave.

5.0632

For the first 60 calendar days of such absence every such employee shall be paid by the state the same amount as (s)he would have received had (s)he not been absent from his/her position.

5.0633

During that part of the period of leave described above for which the employee shall receive his/her salary (s)he shall also accrue such sick leave and annual leave credits as (s)he would have accrued while working in said position during such period of 60 days.

5.0634

Employees on military leave shall be granted yearly salary increases and longevity increases when due in accordance with the conditions of eligibility outlined in these regulations.

5.0635

At the conclusion of such military leave of absence, the employee shall be returned to his/her Position subject, however, to any law or rule which may hereafter be enacted affecting such right of return or defining the conditions under which such returns may be made. At the conclusion of each calendar year during such absence, annual leave and sick leave accumulations shall be carried over to the credit of the employee.

5.064—Military Training Leave (Relates to Classified and Unclassified Service)

5.0641

Employees in the classified and unclassified service who by reason of membership in the United States Military, Naval, or Air Reserve or the Rhode Island National Guard or Naval Reserve, are required by the appropriate authorities to participate in training activities or in

active duty as a part of the State military force or special duty as a part of the Federal military force, shall be granted military training leave with pay not to exceed fifteen working days in any one federal fiscal year beginning October 1 through September 30. Should the employee be required to participate in such training activities for a period greater than fifteen working days, (s)he shall be granted leave without pay for this purpose.

5.06411

During the period of military training leave with pay, the employee shall accrue sick and vacation leave credits.

5.06412

Such training activities as defined in this section shall not include weekly drill nights or similar drill periods lasting less than one day or training periods voluntarily engaged in by the employee beyond the training period required generally of the members of the respective armed service.

5.065—Jury Leave

5.0651

Every employee occupying a position in the state classified and unclassified service who is ordered by appropriate authority to report for jury duty shall be granted a leave of absence from his/her regular duties during the actual period of such jury duty and shall receive for such period of jury duty his/her regular pay or his/her jury duty pay whichever is the greater.

5.066—Leave Without Pay

5.0661

A classified employee may be placed on leave without pay for a period not to exceed one year when: (a) The employee shall sign a request for such leave; the Appointing Authority shall recommend approval in writing to the Personnel Administrator, and the Personnel Administrator shall approve; or, (b) The Appointing Authority shall recommend such leave, in writing to the Personnel Administrator together with reason(s) for such proposed action, and the Personnel Administrator shall approve; or, (c) An employee with permanent, provisional or probationary status is appointed to a higher class of position for which no valid list exists or that is categorized as non-competitive shall request a leave in order to protect his/her status in the lower class. The Appointing Authority shall recommend approval in writing to the Personnel Administrator, and the Personnel Administrator shall approve the request. Extensions of such leaves to protect status shall be granted until such time as a valid list is established for the class of position. Upon establishment of a valid list, the employee must either qualify for permanent appointment in the class or return to the position from which the leave was granted. Every employee is entitled to only one leave in each status - - permanent, provisional or probational at any given period. (d) The employee shall sign a request for parental leave. Said leave shall be available to all employees for the purpose of child raising upon written notice at least two (2) weeks in advance of the commencement of the leave period. Said leave shall be granted for a period of up to six (6) months and may be renewed for a period not to exceed six (6) months upon request of the employee at least (30) days prior to expiration. In no event shall parental leave exceed a period of one (1) year or be applicable to children over the

age of eighteen (18) years excepting under extenuating circumstances. Provided however the Personnel Administrator shall have the discretion to grant parental leave under extenuating circumstances. The employee on parental leave shall be covered by the health benefits carried by the State of Rhode Island for a period not to exceed one (1) year. In all cases, leave shall be available only to the parents of eligible children and in cases where both parents are state employees, only one parent may request parental leave. (e) State employees will not be granted a leave to accept employment outside of State Service.

5.0662

Upon the expiration of such leave of absence, the employee shall be returned to the position which (s)he occupied at the time the leave became effective, subject to the law and rules. Failure of an employee to report for duty promptly at the expiration of such leave shall be just cause for dismissal. The Personnel Administrator may approve extensions of leave without pay for the same individual, upon request by the Appointing Authority.

5.0663

When an employee serving a probationary period shall be granted leave without pay from the class to which his position is allocated, the probationary period shall be suspended until the employee is returned to the class. When the employee is returned to the class, the probationary period shall be reinstated and continue as though no interruption had occurred.

5.0664

After an employee returns to his/her position after having been absent from his/her position on official "leave without pay," with the exception of leave without pay to accept another position outside the state service, the Appointing Authority may recommend salary or longevity increases which would place the employee in the position in the pay plan range to which (s)he might have been entitled if (s)he had not been absent from his/her position. If such leave is for a period of more than 6 months, the reason for such a request must be explained in detail and approval of such request must be obtained from the Personnel Administrator and the Director.

5.0665

Whenever the presence of a classified or unclassified employee at a hearing of the Personnel Appeal Board is requested by said Board from the appropriate Appointing Authority, said employee shall be excused from regular duties for the purpose of such attendance and shall not suffer any loss of salary for such attendance.

5.07—BENEFITS

5.071

Health Benefits. All management and non-union people, who are involuntarily laid off will be covered by the health benefits carried by the State of Rhode Island for the period of ninety (90) days.

5.08—LAYOFFS

5.081

Layoffs are restricted to the department in which the position is established. An Appointing Authority may initiate layoffs in those classes of positions, regardless of the

status of the class, under his/her jurisdiction, provided prior approval has been received from the Personnel Administrator. In all cases of layoff, first consideration will be given to employee status and length of service within his/her present classification. If an employee is unable to retain the current classification, (s)he may replace an employee in a classification in which the employee has had prior service if the employee exceeds the eligibility requirements of employee status and service of the least senior incumbent in the class. Employees who are to be laid off shall be notified in writing prior to the termination date. At the time of layoff, annual leave balances will be paid off. Sick Leave balances will be held until the employee is called back to work providing it is within twelve months of the layoff. This rule applies unless modified by a particular union contract.